

Town of East Hampton
Zoning Board of Appeals
300 Pantigo Road, East Hampton, NY 11937



APPROVED MINUTES OF MEETING

Date: June 23rd 2015
Time Started: 6:30 p.m.

Members Present:

John P. Whelan, Chairman
Cate Rogers, Vice Chair
Don Cirillo, Member
David Lys, Member
Lee White, Member

Also Present:

Denise Savarese, Legislative Secretary
Michael Sendlenski, Counsel to the Board

Public Hearing:

Applicant – Ann Hall – SCTM# 300-201-1-4 – 5 Pierson Way, Wainscott – Project description is to control phragmites along the Georgica Pond shoreline, allowing native vegetation to re-establish.

Chairman Whelan read the Notice of Public Hearing into the record. Counsel Sendlenski noted that the Affidavit of Service and Posting was in order. Chairman Whelan conducted a field inspection of the property and will submit photos into the record at a later date.

Bruce Horwith, appearing on behalf of the application, has been representing home owners in the Georgica Association with similar types of projects to control phragmites through cutting and hand digging. This is a similar project. Project is to control phragmites and protect the native vegetation that exists. If necessary applicant would bring in nursery stock to replenish. There will not be an extension of lawn – the other part of proposal is the scenic easement was not maintained properly and is overgrown. This proposal also addresses rectifying that. No herbicides involved at all.

Lisa D’Andrea, appearing on behalf of the Planning Department, illustrated through smart board the survey and color coded it to demark the project. Project is to clear phragmites in four areas and it is to be hand cut hand digging no machinery. Cutting should allow native species to spread into the areas where the phragmites is cut. Owners are amenable to removing invasive grasses and replanting with native shrubs. This will be monitored by a report being sent to the Planning Department and the Zoning Board of Appeals. This is an Unlisted Action. Scenic easement has been maintained but it does have native species in it and they have agreed to remove the non-native species and maintain it better.

Chairman Whelan made a motion to close the Public Hearing but leave the record open to allow field inspection pictures to be entered into the record. Member Cirillo seconded. All members were in favor.

Postponed Public Hearing:

Applicant: Lee Vosburgh – SCTM# 300-20-5-21 – 66 West Lake Drive, Montauk – Project description is to allow a 595 sq. ft. concrete pad, a 207 sq. ft. deck above the concrete pad, an outdoor shower, and a driveway to remain on a parcel of land containing freshwater wetlands.

Work Session

Administrative Application:

Jeffrey Freidus – SCTM# 300-176-3-14 – 11 Dune Lane, Amagansett – a 12 x 20 one --story garage. Member Lys made a motion to approve the application going Administratively. Member Cirillo seconded. All members were in favor.

Marc Matthews & Ashley Blackburn – SCTM# 300-32.1-1-208 – 100 DeForest Road – Unit 709 Montauk Shores Condo, Montauk – construct a crawl space/foundation under an existing mobile home raising it to current flood code as stated in the Montauk Shores Rules and Regulations. Member White made a motion to approve the application going Administratively. Member Lys seconded. All members were in favor.

Thomas & Noelle Twiggs – SCTM# 300-51-2-9 – 75 Surfside Avenue, Montauk – demolish existing house and reconstruct two story, attached garage & geothermal system, stone patio, pervious driveway, upgrade sanitary septic system. Member White made a motion to approve the application going Administratively. Member Lys seconded. All members were in favor.

Board Determination:

Barbara Kruger – Gerard Drive – Springs – SCTM# 300-42-2-10 – Applicant requesting CO – issue: Septic System – Planning Department recommending an as built survey. Vice Chair Rogers made a motion to forward a letter to the applicant requesting an as built survey. Member Cirillo seconded. Member Lys and Member White were in favor. Chairman Whelan recused himself.

Board Decisions:

Front Row Properties, LLC – 191 Three Mile Harbor, Springs – SCTM# 300-077-05-10 – Project description to reconstruct approximately 95 linear ft. of non-functional bulkhead. Vice Chair Rogers made a motion to close the Public Hearing. Member Cirillo seconded. Chairman Whelan and Member White were in favor. Member Lys recused himself. Rick Whalen, attorney for the applicant and Ben Krupinski, the applicant addressed the Board. Issue: Does the Board have the ability to re-open the Public Hearing after it has been closed without the approval of the applicant. Counsel noted the Board can move forward and make a decision. Counsel Sendlenski will submit a memorandum on the requirements for re-opening the Public Hearing. Board tabled decision

Public Hearing:

Applicant: Stephanie Hiram – SCTM# 300-92-6-13 – 64 Oyster Shores Road, East Hampton – Project description is to construct an approximately 251 sq. ft. second story addition on to an existing residence and upgrade the sanitary system on a parcel of land with bluff crests and wetlands.

Chairman Whelan read the Notice of Public Hearing into the record. Counsel Sendlenski noted that the Affidavit of Service and Posting was in order. Member Cirillo conducted a field inspection, reported his findings to the Board and submitted his photos into the record.

Richard Matthews, attorney, appearing on behalf of the applicant, noted the property came before the Board in 1995 and at that time the house was added onto and the septic system was redone at that time. Applicant is trying to reconfigure the usage of the property so it can accommodate the size of her family. The only issue with the EAF Part II is the relocation of the sanitary system to go up the hill. You would need a pump if you were to place the septic system in that location. The property is not utilized year round. Locating sanitary system in the driveway is what the applicant prefers. Applicants have made application to the Board of Health regarding the septic system. Request for the size of the addition is fairly small and permitted under expansion in the Code. Submitted a series of photos

and a letter regarding the septic system in the record which illustrate difficulties with the steep grade and elevation of the property. Submitted letter from Mrs. Hiram explaining how her space needs have increased due to the size of her family.

Lisa D'Andrea, speaking on behalf of the Planning Department, noted that the septic system should be positioned as far as possible to meet the 150 ft. setback since the current septic system does not meet Suffolk County standards so an upgrade is required. Setbacks are set in place to improve water quality of bays and harbors. The Board in making its decision should be comfortable that the septic system the applicant has proposed is the most practical.

Member Cirillo made a motion to close the Public Hearing and leave the record open for one week for all purposes – Vice Chair Rogers seconded. All members were in favor.

Board Decisions:

Max Herrnstein – 948 Springs Fireplace Road, Springs – SCTM# 300-63-3-12 – Project description is to construct a 588 sq. ft. terrace and steps within wetland jurisdiction and to construct a wall with a guardrail that exceeds the maximum height limits

Vice Chair Rogers made a motion to approve a Natural Resources Special Permit for rear decks located 132.9 ft. from the wetland boundary on Accabonac Harbor located in the rear of the house and deny the variance from height limits. Member Cirillo seconded. Chairman Whelan and Member Lys in favor. Member White dissented on denying the variance from height limits – in favor of the granting of the Natural Resources Special Permit.

Adjourn:

Member Cirillo made a motion to close the Public Hearing at 8:15 p.m. – Vice Chair Rogers seconded. All members were in favor.

John P. Whelan, Chairman
Zoning Board of Appeals